

By: Phelan

H.B. No. 3021

Substitute the following for H.B. No. 3021:

By: Smithee

C.S.H.B. No. 3021

A BILL TO BE ENTITLED

AN ACT

relating to indemnification and duties of engineers and architects
under certain governmental contracts.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 2254.0031, Government Code, is amended
to read as follows:

Sec. 2254.0031. INDEMNIFICATION. (a) A state governmental
entity may require a contractor selected under this subchapter to
indemnify or hold harmless the state from claims and liabilities
resulting from the negligent acts or omissions of the contractor or
persons employed by the contractor. A state governmental entity
may not require a contractor to indemnify, ~~[or]~~ hold harmless, or
defend the state for claims or liabilities resulting from the
negligent acts or omissions of the state governmental entity or its
employees.

(b) Notwithstanding any other provision of law, Sections
271.904(a)-(e), Local Government Code, apply to a contract for
architectural or engineering services between an architect or
engineer selected under this subchapter and a state agency as
defined by Section 2052.101.

SECTION 2. Section 2254.0031, Government Code, as amended
by this Act, applies only to a contract for which a request for
proposals or a request for qualifications is first published or
distributed on or after the effective date of this Act. A contract

1 for which a request for proposals or a request for qualifications is
2 first published or distributed before the effective date of this
3 Act is governed by the law in effect on the date the request was
4 published or distributed, and the former law is continued in effect
5 for that purpose.

6 SECTION 3. This Act takes effect September 1, 2017.